

ORDINANCE NO. 0-3736

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAFAYETTE, LA., BY DELETING CHAPTER 14-1/8 IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 14-1/8, HISTORIC PRESERVATION.

BE IT ORDAINED by the City Council of the City of Lafayette, Louisiana, that:

SECTION 1: The Code of Ordinances of the City of Lafayette, La., Chapter 14-1/8, Historic Preservation, be amended by deletion of Chapter 14-1/8 in its entirety, and substituting new Chapter 14-1/8, Historic Preservation, to read as follows:

**CHAPTER 14 1/8
HISTORIC PRESERVATION**

SECTION 14 1/8 - 1: CREATION OF LAFAYETTE PRESERVATION COMMISSION

The Lafayette Preservation Commission is hereby created for the following purposes:

- A. To provide for designation of Historic Properties;
- B. To provide for an Appeals Procedure, as defined herein;
- C. To stimulate revitalization of business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote business;
- D. To establish uniform procedures for the protection, enhancement and perpetuation of places, districts, sites, buildings, structures, and works of public art having a special historical, cultural or aesthetic significance, interest or value, in accordance with the provisions of this Chapter.

SECTION 14 1/8 - 2: MEMBERSHIP

The Lafayette Preservation Commission shall consist of not more than five (5) citizens who will be qualified voters, residents and taxpayers of the City of Lafayette, to be selected as hereinabove provided.

SECTION 14 1/8 - 3: APPOINTMENT AND TERMS

Members of the Lafayette Preservation Commission shall be appointed by the Mayor of the City of Lafayette, with the advice and consent of the City Council, as follows:

- A. Two (2) members shall be appointed by the Mayor to serve initial terms of one (1) year each;
- B. Two (2) members shall be appointed by the Mayor to serve initial terms of two (2) years each;
- C. One (1) member shall be appointed by the Mayor to serve an initial term of three (3) years;
- D. Subsequent to all original appointments, therefore, all members shall be appointed for terms of four (4) years;
- E. In making appointments, preference may be given to individuals with demonstrated interest or expertise in historic preservation, including representatives from historical, cultural, business, education, archaeological, architectural, developmental, artistic, commercial, and preservation organizations;
- F. Vacancies shall be filled by appointment in the same manner as the original appointments and any member may be re-appointed for another term or terms; provided, however, that no appointments or reappointments conflict with Ordinance No. 0-3312.
- G. Any member may be recalled at any time by the City Council for gross inefficiency, fraud or neglect of duty, but only after an open hearing and upon notice specifying the complaint involved. Any member shall be automatically terminated and notice shall be given to the Mayor and the City Council if said member is absent from 25% or more of the Commission meetings in any calendar year.

SECTION 14 1/8 - 4: OFFICERS

At its first regular meeting and annually thereafter, the Lafayette Preservation Commission shall elect one (1) of its members to serve as Chairperson and another member to serve as Vice-Chairperson. The Chairperson and Vice-Chairperson shall be eligible for re-election. The Chairperson shall be the presiding officer of all meetings of the Lafayette Preservation Commission. In the absence of the Chairperson, the Vice-Chairperson shall act as the Chairperson and shall have the powers of the Chairperson.

SECTION 14 1/8 - 5: POWERS AND AUTHORITIES

The Lafayette Preservation Commission shall have the following powers:

- A. To prepare and maintain an up-to-date inventory of Historic Properties;
- B. To establish uniform procedures for the protection, enhancement and perpetuation of places, districts, sites, buildings, structures, and works of public art having a special historical, cultural or aesthetic significance, interest or value, in accordance with the provisions of this Chapter.
- C. To designate or recommend designation of any site, building, structure, monument, area, or other landmark deemed appropriate by said Commission, which is located within the City of Lafayette, as historic and worthy of preservation.
- D. To promote restoration and preservation of any properties owned or acquired by the City of Lafayette which have been designated as Historic Properties;
- E. To conduct educational programs on historic preservation;
- F. To investigate and study such matters relating to historic preservation as the City Council or said Commission itself may from time to time deem necessary or appropriate for the purposes of preserving historic resources;
- G. To review zoning for areas affecting historic sites, districts and neighborhoods;
- H. To propose tax incentives and financial incentives;
- I. To review all public and private projects affecting historically significant properties;
- J. To recommend appropriate legislation for the preservation of any building, structure, site monument, area or other landmark which said Commission has so named or designated;
- K. To recommend application, with the approval of the City Council, for federal funds when appropriate and available;
- L. To review all applications for permits proposing demolition of all or part of any building, structure, monument, or other landmark which said Commission has so named and designated;
- M. To appoint a landmark area advisory group, comprised of three (3) to seven (7) members, to act as an advisory group to said Commission; and
- N. To enforce the provisions contained herein and any rules and regulations the Commission may adopt in conformity to it.

SECTION 14 1/8 - 6: CRITERIA FOR DESIGNATION OF HISTORIC PROPERTIES

- A. The Lafayette Preservation Commission shall review and identify potential landmarks and adopt procedures to consider them for designation as Historic Properties as specified in this Chapter.
- B. The factors to be considered by the Lafayette Preservation Commission in determining whether a particular property should be designated as a Historic Property shall include, but need not be limited to, the following:
 - 1. Its location is the site of a significant historic event;
 - 2. It is identified with a person or persons who significantly contributed to the history, culture, or development of the City of Lafayette, State of Louisiana, or the United States;
 - 3. It exemplifies the culture, economic, social or aesthetic heritage of the City of Lafayette;
 - 4. It embodies distinguishing characteristics of an architectural type or style or represents the work of an architect or master builder on a local level whose individual work is a fine example of a period, a type, a method of construction, or the use of a native material;
 - 5. It occupies a unique location or possesses a singular physical characteristic that makes it an established or familiar visual feature in the Lafayette community;
 - 6. It is part of a group of related properties in an area which attains significance by being part of or related to a square, park or other distinctive area which exemplifies an historical period, cultural connection, or architectural motif unique to the development of the City of Lafayette;
- C. Any structure, property, site, object, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.
- D. Generally, a property must be minimum of fifty (50) years old to be considered for nomination for Historic Property designation. However, properties achieving particular significance in the community within the past fifty (50) years will be considered for nomination at the discretion of the Lafayette Preservation Commission.
- E. The Lafayette Preservation Commission shall not consider interior arrangement or the use of a designated Historic Property.
- F. All properties in the City of Lafayette listed on the National Register of Historic Places shall be considered for Historic Property designation.

SECTION 14 1/8 - 7: PROCEDURES FOR NOMINATION, DESIGNATION AND RESCISSION OF HISTORIC PROPERTIES

A. Nomination

1. The Lafayette Preservation Commission shall consider for Historic Property designation any property nominated by motion of any Commission member of by the owner of record of the proposed property.
2. Notice of proposed designation shall be sent by certified or registered mail, at the discretion of the sender, to the owner of record of the property proposed for Historic Property designation, describing the property proposed, stating the property's significance, and announcing a public hearing by the Lafayette Preservation Commission to consider said designation. Such notification shall be sent to the owner of record at least twenty (20) days prior to any public hearing.
3. The Lafayette Preservation Commission shall also send notice of a proposed designation to all City agencies having previously requested notification of such proceedings, and to any other parties requesting to be informed by the Lafayette Preservation Commission of such proceedings.
4. The Lafayette Preservation Commission shall also cause notice of the proposed designation to be published at least seven (7) days prior to the public hearing in the official journal of the City of Lafayette and shall post notice of the hearing in the place where the Lafayette Preservation Commission regularly meets.
5. The Lafayette Preservation Commission may solicit expert testimony regarding the historic and architectural importance of the building structure, site, monument, area or other landmark under consideration for designation.
6. The Lafayette Preservation Commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed Historic Property.
7. The Lafayette Preservation Commission shall send to the owners of the property proposed for designation a list of the experts solicited to testify regarding the proposed designation, a brief statement of the matters upon which the experts and expected to testify, and copies of all documentary evidence to be introduced by the Lafayette Preservation Commission. Said list and statement shall be sent to the owners of the property proposed for designation at least fifteen (15) days prior to the date of the public hearing on said designation; provided that nothing herein shall be construed to prohibit the Lafayette Preservation Commission from soliciting new or additional expert testimony or from acquiring new or additional documentary evidence within the fifteen (15) day time period specified herein upon reasonable notice to the owners of the property for designation, and nothing herein shall be construed to prohibit the introduction of such additional testimony or evidence at any public hearing of the Lafayette Preservation Commission.

8. The Lafayette Preservation Commission shall afford the owner of said proposed property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of the proposed landmark property or properties.
9. Any interested party may present testimony or documentary evidence regarding the proposed Historic Property designation at the public hearing.
10. Prior to the final decision regarding the proposed designation, the owner of the property shall present to the Lafayette Preservation Commission a written statement declaring either support or opposition to the proposed designation. No property or portion thereof shall be designated as a Historic Property without the express written consent of the property owner.

B. Designation

1. Within forty-five (45) days after a public hearing, the Lafayette Preservation Commission shall render its final decision regarding the proposed designation and shall give written notice of its decision to the owner of the property for designation setting forth the reasons thereof.
2. An official map identifying all historical sites and areas designated under this Chapter may be maintained and periodically amended to reflect locations of such historical property.
3. The City of Lafayette may provide Historic Property signs to all owners of such designated properties. Any such signs shall be removed and returned to the City of Lafayette upon termination of Historic Property status for any reason or cause whatsoever.

C. Rescission

1. Requests for rescission of Historic Property designation shall be submitted by the property owner, in writing, to the Officer of the Lafayette Preservation Commission.
2. No Historic Property designation shall be rescinded until a public hearing is held by the Lafayette Preservation Commission and the Lafayette City Council as provided herein.
3. The Lafayette Preservation Commission shall hold a public hearing on the request for rescission of Historic Property designation within forty-five (45) days of receipt of the request for such rescission as provided in Subsection C (1) of this Section.
4. After the public hearing of the Lafayette Preservation Commission as established in Subsection C (3) of this Section, the Lafayette City Council shall hold a public hearing on the request for rescission of Historic Property designation. Said

hearing of the Lafayette City Council shall be held within forty-five (45) days after the public hearing of the Lafayette Preservation Commission.

5. If the Lafayette City Council approved the request for rescission of Historic Property designation, the designation shall be deemed immediately rescinded. If the City Council does not approve the request for rescission, the rescission shall occur automatically upon the expiration of sixty (60) days after the date of the City Council public hearing.
6. In all cases rescission of Historic Property designation shall occur automatically upon the expiration of one hundred fifty (150) days after receipt by the Office of the Lafayette Preservation Commission of a request for such rescission.

SECTION 14 1/8 - 8: ANNUAL REVIEW OF HISTORIC PROPERTIES

- A. An annual review of all designated Historic Properties shall be held by the Lafayette Preservation Commission to insure the continued compliance with the criteria for Historic Property designation. Any designated Historic Property which fails to maintain the criteria for Historic Property designation may have its Historic Property designation revoked in accordance with the notification and hearing procedures established in Section 14 1/8 - 7(A) and 14 1/8 - 7(B). The question of revocation of a Historic Property designation may be placed on the agenda of a Lafayette Preservation Commission meeting only by a Commission member or the Commission staff.
- B. In its annual review of Historic Properties, the Lafayette Preservation Commission shall be guided by the following general standards:
 1. The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible.
 2. Alterations to a building, structure, or site and its environment that have no historical basis and seek to create an earlier or inaccurate appearance shall be strongly discouraged.
 3. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site should be treated with sensitivity.
 4. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 5. Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant

historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment. Wherever possible, new additions or alterations to structures should be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

SECTION 14 1/8 - 9: APPLICATIONS FOR DEMOLITION PERMITS

- A. Applications for demolition permits for designated Historic Properties shall be submitted in writing to the Acadian Metropolitan Code Authority (Metro Code).
- B. Permits for the demolition of a Historic Property shall not be issued until a public hearing is held by the Lafayette Preservation Commission and the Lafayette City Council on the proposed demolition. In the case of disapproval by the Lafayette City Council of a request for such a demolition permit, the permit shall not be issued until the time period established by Subsection E of this Section has expired.
- C. The Lafayette Preservation Commission shall hold a public hearing on the application for a permit for the demolition of a Historic Property within forty-five (45) days receipt of the application for such a permit as provided in Subsection A of this Section.
- D. After the public hearing of the Lafayette Preservation Commission as established in Subsection C of this Section, the Lafayette City Council shall hold a public hearing on the application for a permit for the demolition of a Historic Property. Said hearing of the Lafayette City Council shall be held within forty-five (45) days after the public hearing of the Lafayette Preservation Commission.
- E. If the Lafayette City Council approves the request for the demolition permit after a public hearing, the permit shall be issued without further delay. If the City Council does not approve the request for the demolition permit, the permit shall be issued upon the expiration of sixty (60) days after the date of the City Council public hearing.
- F. In all cases, permits for the demolition of a Historic Property shall be issued upon the expiration of one hundred fifty (150) days after receipt by the Acadian Metropolitan Code Authority of an application for such a demolition permit.

SECTION 14 1/8 - 10: STANDARDS FOR REVIEW FOR DEMOLITION PERMITS

In considering applications for demolition permits for Historic Properties the Lafayette Preservation Commission and the Lafayette City Council shall be guided by the following general standards.

- A. Whether the Historic Property for which application is made continues to maintain sufficient criteria for Historic Property designation.

- B. Whether the applicant has explored preservation options and whether such options exist, including but not limited to:
 - 1. Sale of the property or parts thereof to a person/persons interested in preserving the historical significance of the property.
 - 2. Relocation of the historically significant portion of the property to another site.
 - 3. Incorporation of the historically significant portion of the property into any new designs, uses or development of the property.
 - 4. The granting or dedication of a facade easement.
- C. Whether maintenance, restoration and/or preservation of the property is economically feasible in its present condition.
- D. Whether measures less drastic than demolition would allow a reasonable return on the owner's investment in the property.
- E. Whether the Historic Property is one of the last remaining examples of its kind in the neighborhood, city, parish, region, state or country.
- F. Whether there are definite plans for reuse of the property if the demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archeological, social, aesthetic, or environmental character of the surrounding area, as well as the economic impact of the new development.

SECTION 14 1/8 - 11: HARDSHIP VARIANCES

Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provision of this Section would result in serious undue hardship particularly affecting said applicant, then the Lafayette Preservation Commission, in passing upon the application, shall have the power to vary or modify with this Section.

SECTION 14 1/8 - 12: ENFORCEMENT POWERS

- A. The Lafayette Preservation Commission shall have the power to institute suite in any court of competent jurisdiction, to prevent any unlawful action in violation of the provisions of this Chapter or of any of the rules and regulations adopted by said Commission in conformity with it.
- B. Any owner, agent, lessee, or other person acting for or in conjunction with him/her, who shall violate the ordinance or law or rules, regulations, or decisions of the Lafayette Preservation Commission, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each violation, except as hereinafter provided. Any owner, agent, lessee, or other person acting for or in conjunction with him/her, who shall demolish a Historic Property without having received a valid permit may be fined a

single fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00)

SECTION 14 1/8 - 13: PROCEDURES FOR APPEALS

A. Appealable Decisions of Lafayette Preservation Commission:

Any person or persons of standing aggrieved by any decision, act, or failure to act, or proceeding of the Lafayette Preservation Commission, shall have the right to apply in writing to the City Council for a reversal or modification thereof.

B. Procedure for City Council Disposition of Appeals from Appealable Decisions of Lafayette Preservation Commission:

1. In the course of the disposition of any appeal from an Appealable decision of the Lafayette Preservation Commission, the City Council shall have the right to stay any further action or enforcement of such decision on said appeal.
2. All appeals from appealable decisions of the Lafayette Preservation Commission to the Lafayette City Council shall be made in writing within ten (10) days of the date of notification of said decision. In the case of notification by mail, the said ten (10) day period shall commence on the mailing date of the notification.
3. The City Council shall consider a proper appeal at its next appropriate scheduled meeting following the receipt of said appeal, provided that the City Council shall consider said appeal no more than forty-five (45) days after receipt.
4. In the course of the disposition of appeals authorized in this Section, the City Council shall conduct a hearing in which the property owner or other appellant shall be afforded the right to present evidence to support his/her position and a reasonable opportunity to be heard.
5. At the close of the hearing provided for in this Subsection, the City Council may affirm reverse, or modify the decision of the Lafayette Preservation Commission by resolution or ordinance.

SECTION 14 1/8 - 14: PROCEDURES FOR ADMINISTRATION

- A. The Lafayette Preservation Commission shall meet in public session at least once every six (6) months, keeping minutes and records of all proceedings at each meeting. Said Commission shall adopt rules of policy and procedure for the conduct of its meetings, however, in no event shall any action be taken by the Commission, other than rescheduling of meetings, unless a quorum comprised of at least three (3) members of the Commission is present.
- B. The Lafayette Preservation Commission shall announce each meeting date and agenda, including addresses of structures to be reviewed.

- C. The staff of the Lafayette Preservation Commission, to the extent funds are available, may provide public information and technical assistance to historic area property owners, including but not limited to:
1. Lafayette Preservation Commission brochures;
 2. Periodic newsletters and mailings;
 3. Neighborhood workshops;
 4. Annual reports;
 5. Glossary of terms; and
 6. List of architects, contractors, subcontractors, and crafts people working on older structures in the area, for possible aid and guidance.
- D. For exercising and coordinating its functions as specified, the Lafayette Preservation Commission shall be provided with a staff person from within the City of Lafayette to the extent that funds are available from within the City of Lafayette.

SECTION 14 1/8 - 15: STATUS OF EXISTING HISTORIC PROPERTIES AFTER AMENDMENT TO CHAPTER

After any amendment to this Chapter, owners of Historic Properties previously designated under this Chapter shall be allowed to have their Historic Property designation rescinded in accordance with the rescission procedures established in this Chapter, even if the rescission provisions are later amended or deleted from this ordinance. Owners of Historic Property designated under this present ordinance shall always have the right to rescind or demolish their properties as provided for in this Chapter.

SECTION II - SEVERABILITY CLAUSE

If any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

SECTION III - CONFLICT CLAUSE

All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.